THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.15437,15449, 15468, 15470, 15480, 15481, 15489 and 15490 of 2007

DATED: 20.07.2007

Between:

Puthaboyana Venkateswara Rao and others .. Petitioners

And

The District Collector, Krishna District,
Machilipatnam,
And others. .. Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.15437,15449, 15468, 15470, 15480, 15481, 15489 and 15490 of 2007

COMMON ORDER:

All these writ petitions are filed questioning the notification, dated 29.06.2007, issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the L.A.Act'), totally notifying the land to an extent of Ac.74-75 cents situated at Jakkampudi village, Vijayawada Rural Mandal, Krishna District, for public purpose namely for construction of houses for Urban Public under Jawaharlal Nehru National Urban Renewal Missions Scheme.

In the impugned notification, the lands totally admeasuring Ac.74-75 cents situated at Jakkampudi village, Vijayawada Rural Mandal, Krishna District are notified. So far as the petitioners in these writ petitions are concerned, they are aggrieved by the notification only to an extent of land admeasuring Ac.2.45 cents covered by Sy.No.249/2 of Pallam. It is the grievance of the petitioners that though under Section 4(1) of the L.A.Act notification, one Lalukhan is shown as Pattadar and Patan Bikku Galib Saheb is shown as possessor, but however, it is stated that one Mr.Banda Suryanarayana has purchased the above extent of land from its earlier owner by a registered sale deed in the year 1978 and by obtaining lay out from the local authority i.e., Gram Panchayat, he converted the said land into plots and sold to various persons and all the petitioners herein purchased and

constructed the residential houses in their respective plots.

It is the grievance of the petitioners that in view of the notification under Section 4 (1) of the L.A.Act, though they have constructed the houses and residing in their respective lands, the respondents are interfering under the guise of survey and threatening them to take steps for eviction also.

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

From a reading of the notification under Section 4(1) of the L.A.Act, it shows that the Revenue Divisional Officer, Vijayawada is appointed as an Officer to conduct the enquiry under Section 5-A of the L.A.Act on behalf of the District Collector. It is clear from the notification that it is not a case where an urgency clause is invoked under Section 17(4) of the L.A.Act, however, an enquiry is being conducted under Section 5-A of the L.A.Act. As it is the case of the petitioners that they have purchased various house plots in a lay out covered by Sy.No.249/2 in an extent of Ac.2-45 cents, which was granted by the competent authority, they can very well raise their objections, if any, before the enquiry, which is being conducted under Section 5-A of the L.A.Act. As much as the enquiry is being conducted under Section 5-A of the L.A.Act, unless the enquiry is concluded and declaration is issued under Section 6 of the Act, no steps can be taken by the respondents to dispossess the petitioners, who claim to be the occupants covered by houses in Sy.No.249/2. If any objections are there, the petitioners can very well raise such objections in the enquiry being conducted under Section 5-A of the L.A.Act.

For the above reason, I dispose of the writ petition permitting the

petitioners to putforth their objections by way of representation in the enquiry being conducted under Section 5-A of the L.A.Act, with reference to their claims, title and possession within the land covered by Sy.No.249/2 admeasuring Ac.2.45 cents within a period of two weeks from the date of receipt of a copy of this order, and if such representations and objections are filed by the petitioners, the second respondent-Revenue Divisional Officer and Land Acquisition Officer shall conduct enquiry by issuing notice to them and by following the provisions contained under Section 5-A of the L.A.Act, and pass appropriate orders. Unless such objections are considered and order under Section 5-A of the L.A.Act is communicated to the petitioners, no steps shall be taken against the petitioners for their eviction. However, if no objections are filed by the petitioners in the enquiry under Section 5-A of the L.A.Act, or subject to outcome of the enquiry, it is open for the respondents to take further steps in accordance with the Land Acquisition Act and the Rules made there under.

With the above directions, the writ petition is disposed of. No order as to costs.

(R.SUBHASH REDDY,J)

Dt.20.07.2007
Note: Furnish CC by 23.07.2007
B/o
v v